

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 14649

PERMIT 9345

LICENSE 4252

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS:

1. A PETITION TO CHANGE THE POINT OF DIVERSION BY ALLOWING THE ADDITION OF A NEW POINT OF DIVERSION UNDER LICENSE 4252 HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD, AND SAID BOARD HAS DETERMINED THAT GOOD CAUSE FOR APPROVAL OF SUCH CHANGE HAS BEEN SHOWN.
2. LICENSE 4252 WAS ISSUED TO J. H. CAVE AND WAS FILED WITH THE COUNTY RECORDER OF COLUSA COUNTY ON APRIL 4, 1956.
3. LICENSE 4252 WAS SUBSEQUENTLY ASSIGNED TO J. H. CAVE, HERBERT GRAY HILL III, AND W. R. PRITCHARD.
4. THE BOARD HAS DETERMINED THAT THE REQUESTED CHANGE TO ADD A NEW POINT OF DIVERSION WILL NOT OPERATE TO THE INJURY OF ANY OTHER LEGAL USER OF WATER INVOLVED.
5. THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS, TO SIGN THIS ORDER.

NOW, THEREFORE IT IS ORDERED:

1. PERMISSION IS HEREBY GRANTED TO CHANGE THE POINT OF DIVERSION UNDER LICENSE 4252 BY ADDING A NEW POINT OF DIVERSION TO THE EXISTING POINTS OF DIVERSION. THE POINTS OF DIVERSION ARE DESCRIBED AS FOLLOWS:
  - (1A) SOUTH 40° EAST 207 FEET FROM NW CORNER OF SW1/4 OF SECTION 20, T16N, R2W, MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 20,
  - (1B) SOUTH 54° 10' EAST 255 FEET FROM NW CORNER OF SW1/4 OF SECTION 20, T16N, R2W, MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 20,
  - (1C) SOUTH 44° WEST 193 FEET FROM CENTER OF SECTION 21, T16N, R2W, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 21.
- (2) SOUTH 87°41' EAST 1,059 FEET FROM W1/4 CORNER OF SECTION 21, T16N, R2W, MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 21.

*R. L. Rosenberger*  
R. L. ROSENBERGER, CHIEF  
DIVISION OF WATER RIGHTS

DATED: AUGUST 11 1978

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 14649

PERMIT 9345

LICENSE 4252

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS:

1. License 4252 was issued to J. H. Cave and was filed with the County Recorder of Colusa County on April 4, 1956.
2. An order allowing change in point of diversion was granted on August 11, 1978 and has been recorded with the County Recorder of Colusa County on August 23, 1978 in Book 463, Page 56.
3. License 4252 was subsequently assigned to Herbert Gray Hill, III, J. H. Cave, Estate of Stanley L. Rooney, Sr. and Western Title Guarantee Company.
4. A petition for change in point of diversion, has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The points of diversion under this license shall be as follows:

- (1A) South 40° East, 207 feet from NW corner of SW $\frac{1}{4}$  of Section 20, T16N, R2W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 20.
- (1B) South 54° 10' East, 255 feet from NW corner of SW $\frac{1}{4}$  of Section 20, T16N, R2W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 20.
- (1C) South 32° 33' 15" East, 3,188 feet from NW corner of Section 21, T16N, R2W, MDB&M, being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 21.
- (1D) South 87° 41' East, 1,059 feet from W $\frac{1}{4}$  corner of Section 21, T16N, R2W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 21.
- (1E) South 5° 17' 03" East, 2,699 feet from NW corner of Section 21, T16N, R2W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 21.
- (2A) South 34° East, 174 feet from NE corner of NW $\frac{1}{4}$  of Section 21, T16N, R2W, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 21.

MARCH 8 1983

Dated:

*Raymond J. Walsh*  
Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 14649

PERMIT 9345

LICENSE 4252

ORDER CORRECTING DESCRIPTION  
OF POINT OF DIVERSION 2A

WHEREAS:

1. License 4252 was issued to J. H. Cave and was filed with the County Recorder of Colusa County on April 4, 1956.
2. License 4252 was subsequently assigned to Herbert Gray Hills, III, J. H. Cave, Estate of Stanley L. Rooney, Sr. and Western Title Guarantee Co.
3. A request to correct the description of Point of Diversion 2A under said license has been filed with the State Water Resources Control Board.
4. The description of Point of Diversion 2A was incorrect when the application was filed. The error was recently discovered.
5. The State Water Resources Control Board has determined that said correction in the description of Point of Diversion 2A will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

Point of diversion under License 4252 be described as follows:

2A. South 34° West, 174 feet from NE corner of NW $\frac{1}{4}$  of Section 21, T16N, R2W, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 21.

Dated: SEPTEMBER 15 1983

*L. D. Johnson*  
for Raymond Walsh, Chief  
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 11649

PERMIT 9345

LICENSE 4252

THIS IS TO CERTIFY, That J. H. Cave  
1725 H Street  
Sacramento, California

Office of Change (Over)

has made proof as of June 8, 1955,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of

- (1) Lateral F (Lurline Creek) of R. D. 2047 and
- (2) Main Drain of R. D. 2047 in Colusa County

tributary to (1) Main Drain of R. D. 2047

- (2) Sacramento River

for the purpose of irrigation use

under Permit 9345

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from January 21, 1952; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed twenty and one tenth (20.1) cubic feet per second to be diverted from about April 1 to about October 1 of each year. The amount of water diverted from source (1) shall not exceed fourteen and five tenths (14.5) cubic feet per second to be diverted from any or all three points of diversion. The amount of water diverted from source (2) shall not exceed five and six tenths (5.6) cubic feet per second.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located as follows:

- (1a) South forty degrees east ( $S 40^{\circ} E$ ) two hundred seven (207) feet from NW corner of  $SW \frac{1}{4}$  of Section 20, T16N, R2W, MDB&M, being within  $NW \frac{1}{4}$  of  $SW \frac{1}{4}$  of said Section 20.
- (1b) South fifty-four degrees ten minutes east ( $S 54^{\circ} 10' E$ ) two hundred fifty-five (255) feet from NW corner of  $SW \frac{1}{4}$  of Section 20, T16N, R2W, MDB&M, being within  $NW \frac{1}{4}$  of  $SW \frac{1}{4}$  of said Section 20.
- (1c) South forty-four degrees west ( $S 44^{\circ} W$ ) one hundred ninety-three (193) feet from center of Section 21, T16N, R2W, MDB&M, being within  $NE \frac{1}{4}$  of  $SW \frac{1}{4}$  of said Section 21.
- (2a) South thirty-four degrees east ( $S 34^{\circ} E$ ) one hundred seventy-four (174) feet from NE corner of  $NW \frac{1}{4}$  of Section 21, T16N, R2W, MDB&M, being within  $NE \frac{1}{4}$  of  $NW \frac{1}{4}$  of said Section 21.

A description of the lands or the place where such water is put to beneficial use is as follows:

286.4 acres within Section 21, T16N, R2W, MDB&M  
290.7 acres within Section 20, T16N, R2W, MDB&M  
577.1 acres total.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of March, 19 56

HARVEY O. BANKS,  
State Engineer

By *L. C. Jopson*  
L. C. Jopson  
Assistant State Engineer



5-15-75 Partial assignment to Herbert  
May 1975  
2/11/77 Partial agent to W. R. Pritchard  
7-3-80 Partial agent to Western Title Guaranty Co.  
1-29-82 Int of W. R. Pritchard agent to Est of Stanley  
L. Hutson Rooney Sr.

4252

LICENSE

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO  
J. H. Cave

DATED  
MAR 21 1956

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